

Attorney Docket Number: FSP0041  
Title: SAFETY SHUTOFF FOR WATER HEATERS  
Application Number: 10/729120

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### REMARKS

New claim 15 represents claim 2, rewritten in independent form, and thus meeting the requirements for allowance set forth in the most recent Office Action. Claim 15 should thus be allowed.

Claims 1 and 7 have been amended to further specify a vapor sensor having a resistance that increases with vapor concentration, the vapor sensor deployed so that an increase to the vapor sensor resistance activates the switch. This is quite different than Ueki, which teaches that the vapor sensor resistance decreases with vapor concentration, and the vapor sensor is deployed so that a decrease to the vapor sensor resistance activates the switch (see Col. 4, lines 30-35; see also the drawings which show the vapor sensor 14 deployed so that decreases in vapor sensor resistance cause an increase in current, thus triggering the switch).

Claim 16 recites, inter alia, a sensor activated switch disposed to switch current from a second current source to the solenoid lead in a second direction different from the first, where the sensor activated switch includes a thermally actuated circuit breaking device. The Office Action argues that this is unpatentable over Ueki in light of Brown. The rejection is based on the argument that Ueki makes a general statement that other types of sensors could be used to activate the switch. Brown teaches a fuse to close the gas valve when the operating temperature gets too high. The Office Action then asserts it would be obvious to employ a sensor activated switch for a purpose other than vapor sensing, such as for over-temperature sensing.

Claim 16 recites a sensor activated switch disposed to switch current from a second current source to the solenoid lead in a second direction different from the first, where the sensor activated switch comprising a thermally actuated circuit breaking device. Claim 16 recites the use of a specific kind of sensor activated switch, and recites the switch used for a particular purpose. Specifically, the switch is a thermally actuated circuit breaking device, used to switch an alternate source of current to a solenoid. There

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is simply no suggestion in the combination of Ueki and Brown of using a thermally actuated circuit breaking device to switch current from an alternate source to the solenoid. The sensor activated switch of Ueki is not exposed to heat nor deployed in the over-temperature area. Deploying the switch of Ueki where the fuse of Brown is deployed would yield a circuit where the switch does not switch current from an alternate source to a solenoid. Any combination of Ueki and Brown simply fails to yield a sensor activated switch deployed as or performing as recited in claim 16.

### Conclusion

In view of the above amendments and remarks, applicant believes that this application is now in condition for allowance. Applicant respectfully requests that a Notice of Allowability be issued covering the pending claims. If the Examiner believes that a telephone interview would in any way advance prosecution of the present application, please contact the undersigned.

Signature	/Charles A. Mirho/ Charles A. Mirho Reg. 41,199 Attorney for Applicant	Date: 07/03/2007
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